IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5562 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHAGWANBHAI DEVUBHAI BARAD

Versus

STATE OF GUJARAT

Appearance:

MR AM PAREKH for Petitioner

Mr.K.T.Dave, Ld.AGP for Respondent Nos. 1 & 2

HL PATEL ADVOCATES for Respondent No. 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 10/08/2000

ORAL JUDGEMENT

Rule. Mr.K.T.Dave, Ld.AGP for respondent Nos 1 & 2 and Mr.Vijay Patel for respondent No.3 appear and waive

service of rule for respective respondents. With the consent of learned counsel for parties matter is finally disposed of today.

2. The petitioner was ordered to be suspended from the office of Sarpanch of Virochan Nagar Gram Panchayat, Taluka Sanand, District Ahmedabad under section 59(1) of Gujart Panchayats Act, 1993 (hereinafter referred to as "the Act") on the ground that criminal cases were filed against the petitioner. The petitioner's appeal being Appeal No.130/98 also came to be dismissed by the Additional Development Commissioner by his order dated 22.7.1999. Hence, the petitioner approached this court. While issuing notice this Court continued the ad interim relief which was operating in favour of the petitioner during pendency of the appeal before the Development Commissioner. Accordingly, the petitioner has continued to hold the office of Sarpanch.

3. At the hearing of this petition today Mr.Parekh, learned advocate for the petitioner has sought leave to place on record a photostat copy of the order dated 14.2.2000 passed by the learned Special Judge (Attrocities), Mehsana acquitting the petitioner in Special Case (Attrocities) No.104/98 and also the judgment and order dated 1.7.2000 passed by the Special Judge, Ahmedabad (Rural) at Mirzapur in Special Case No.48/97 which was also under Attrocities Act wherein also the petitioner has been acquitted. It is, therefore, submitted that the ground on which the suspension order was passed does not survive.

4. In view of the above developments nothing is required to be considered and the impugned order of suspension dated 12.10.1998 passed by the District Development Officer, Ahmedabad as well as the order dated 22.7.99 passed by the Development Commissioner in Appeal No.130/98 are hereby quashed.

Rule is made absolute accordingly. There shall be no order as to costs.

Direct Service is permitted.

10.8.2000 (M.S.SHAH,J)